

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERNEST JABLONSKY, dba
MONTANA BIG GAMES PURSUIT,
and JEFFREY PERLEWITZ,

Defendants.

CR17-17-H-CCL

ORDER

On November 13, 2019, this Court referred the issue whether Defendant Ernest Jablonsky should be required to reimburse the Criminal Justice Act Fund for the cost of the appellate defense provided by the Federal Defenders of Montana to Magistrate Judge Johnston for hearing, findings of fact, and recommendation. (Doc. No. 167). Michael J. Sherwood filed his notice of appearance for Mr. Jablonsky on January 6, 2020, (Doc. 172), and thereafter filed a number of motions to continue, which were all granted.

Judge Johnston conducted a telephonic hearing on March 27, 2020. Mr. Jablonsky was represented by Michael J. Sherwood, Esq. and the United States was represented by Assistant United States Attorney Jeffrey K. Starnes. Mr. Jablonsky, through his counsel, had previously provided certain financial

documents in response to a court order. (*See* Docs. 173, 173-1 and 173-2).

During the hearing, Mr. Jablonsky testified to the accuracy of those financial documents and provided additional information about his current assets and income opportunity for 2020.

After considering the evidence, Judge Johnston determined that Mr. Jablonsky does not possess the present ability to reimburse the Criminal Justice Act Fund for the cost of the appellate defense provided by the Federal Defenders of Montana and recommended that this Court should not require Mr. Jablonsky to reimburse the Fund.

Pending now before the Court are the Findings and Recommendations filed by Magistrate Judge Johnston on March 30, 2020. (Doc. No. 182). Neither party has submitted an objection to those findings and recommendations.


This Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). The Court “must review the magistrate judge’s findings and recommendations *de novo* if objection is made, but not otherwise. *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(emphasis in original). The Court therefore reviews the magistrate judge’s findings and recommendations for clear error when, as in this case, neither party objects to the findings and recommendations.

The Court has carefully considered the record and accepts Judge Johnston's findings and recommendation in full. Accordingly,

IT IS HEREBY ORDERED that Mr. Jablonsky is not required to reimburse the Criminal Justice Act Fund for the cost of the appellate defense provided by the Federal Defenders of Montana.

The Clerk is directed to send a copy of this order to the Federal Defenders of Montana as well as current counsel of record.

Done and dated this 14th day of April, 2020.


CHARLES C. LOVELL
SENIOR US DISTRICT JUDGE